

retary establishes the position, and the official occupies the new position, within 180 days after October 13, 1994 (or such later date set by the Secretary if litigation delays rapid succession). (Pub. L. 103-354, title II, §241, Oct. 13, 1994, 108 Stat. 3222.)

CODIFICATION

Section is comprised of section 241 of Pub. L. 103-354. Subsec. (e) of section 241 of Pub. L. 103-354 amended section 5314 of Title 5, Government Organization and Employees.

SUBCHAPTER V—NATURAL RESOURCES AND ENVIRONMENT

§ 6961. Under Secretary of Agriculture for Natural Resources and Environment

(a) Authorization

The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Natural Resources and Environment.

(b) Confirmation required

If the Secretary establishes the position of Under Secretary of Agriculture for Natural Resources and Environment authorized under subsection (a) of this section, the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Functions of Under Secretary

(1) Principal functions

Upon establishment, the Secretary shall delegate to the Under Secretary of Agriculture for Natural Resources and Environment those functions under the jurisdiction of the Department that are related to natural resources and environment (except to the extent those functions are delegated under section 6932 of this title).

(2) Additional functions

The Under Secretary of Agriculture for Natural Resources and Environment shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

(d) Succession

Any official who is serving as Assistant Secretary of Agriculture for Natural Resources and Environment on October 13, 1994, and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) of this section to the successor position authorized under subsection (a) of this section if the Secretary establishes the position, and the official occupies the new position, within 180 days after October 13, 1994 (or such later date set by the Secretary if litigation delays rapid succession).

(Pub. L. 103-354, title II, §245, Oct. 13, 1994, 108 Stat. 3223.)

CODIFICATION

Section is comprised of section 245 of Pub. L. 103-354. Subsec. (e) of section 245 of Pub. L. 103-354 amended section 5314 of Title 5, Government Organization and Employees.

§ 6962. Natural Resources Conservation Service

(a) Establishment

The Secretary is authorized to establish and maintain within the Department a Natural Resources Conservation Service.

(b) Functions

If the Secretary establishes the Natural Resources Conservation Service under subsection (a) of this section, the Secretary is authorized to assign to the Service jurisdiction over the following:

(1) The Water Bank Act (16 U.S.C. 1301 et seq.).

(2) The forestry incentive program under section 2103 of title 16.

(3) Title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.), except subchapter B of chapter 1 of subtitle D of such title [16 U.S.C. 3831 et seq.].

(4) Salinity control measures under section 1592(c) of title 43.

(5) The Farms for the Future Act of 1990 (7 U.S.C. 4201 note).

(6) Such other functions as the Secretary considers appropriate, except functions under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831-3836).

(c) Special concurrence requirements for certain functions

In carrying out the programs specified in paragraphs (1), (2), and (4) of subsection (b) of this section and the program under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837-3837f), the Secretary shall—

(1) acting on the recommendations of the Natural Resources Conservation Service, with the concurrence of the Consolidated Farm Service Agency, issue regulations to carry out such programs;

(2) ensure that the Natural Resources Conservation Service, in establishing policies, priorities, and guidelines for each such program, does so with the concurrence of the Consolidated Farm Service Agency at national, State, and local levels;

(3) ensure that, in reaching such concurrence at the local level, the Natural Resources Conservation Service works in cooperation with Soil and Water Conservation Districts or similar organizations established under State law;

(4) ensure that officials of county and area committees established under section 590h(b)(5) of title 16 meet annually with officials of such Districts or similar organizations to consider local conservation priorities and guidelines; and

(5) take steps to ensure that the concurrence process does not interfere with the effective delivery of such programs.

(d) Use of Federal and non-Federal employees

(1) Use authorized

In the implementation of functions assigned to the Natural Resources Conservation Service, the Secretary may use interchangeably in local offices of the Service both Federal employees of the Department and non-Federal

employees of county and area committees established under section 590h(b)(5) of title 16.

(2) Exception

Notwithstanding paragraph (1), no personnel action (as defined in section 2302(a)(2)(A) of title 5) may be taken with respect to a Federal employee unless such action is taken by another Federal employee.

(e) Savings provision

For purposes of subsections (c) and (d) of this section:

(1) A reference to the “Natural Resources Conservation Service” includes any other office, agency, or administrative unit of the Department assigned the functions authorized for the Natural Resources Conservation Service under this section.

(2) A reference to the “Consolidated Farm Service Agency” includes any other office, agency, or administrative unit of the Department assigned the functions authorized for the Consolidated Farm Service Agency under section 6932 of this title.

(Pub. L. 103-354, title II, §246, Oct. 13, 1994, 108 Stat. 3223; Pub. L. 104-127, title III, §336(a)(2)(D), (b)(2)(B), (c)(3), (d)(2), Apr. 4, 1996, 110 Stat. 1005, 1006.)

REFERENCES IN TEXT

The Water Bank Act, referred to in subsec. (b)(1), is Pub. L. 91-559, Dec. 19, 1970, 84 Stat. 1468, as amended, which is classified generally to chapter 29 (§1301 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of Title 16 and Tables.

The Food Security Act of 1985, referred to in subsecs. (b)(3), (6) and (c), is Pub. L. 99-198, Dec. 23, 1985, 99 Stat. 1354, as amended. Title XII of the Act, popularly known as the “Sodbuster Law”, is classified principally to chapter 58 (§3801 et seq.) of Title 16. Subchapters B and C of chapter 1 of subtitle D of title XII of the Act are classified generally to subparts B (§3831 et seq.) and C (§3837 et seq.), respectively, of part I of subchapter IV of chapter 58 of Title 16. For complete classification of this Act to the Code, see Short Title of 1985 Amendment note set out under section 1281 of this title and Tables.

The Farms for the Future Act of 1990, referred to in subsec. (b)(5), is Pub. L. 101-624, title XIV, ch. 2, §§1465-1470B, Nov. 28, 1990, 104 Stat. 3616-3619, as amended, which is set out as a note under section 4201 of this title.

CODIFICATION

Section is comprised of section 246 of Pub. L. 103-354. Subsec. (f) of section 246 of Pub. L. 103-354 amended sections 2001, 2002, 2005, and 3862 of Title 16, Conservation, and repealed section 590e of Title 16.

AMENDMENTS

1996—Subsec. (b)(1). Pub. L. 104-127, §336(d)(2)(A), redesignated par. (3) as (1) and struck out former par. (1) which read as follows: “The rural environmental conservation program under title X of the Agricultural Act of 1970 (16 U.S.C. 1501 et seq.).”

Subsec. (b)(2). Pub. L. 104-127, §336(b)(2)(B), (d)(2)(A)(ii), redesignated par. (4) as (2) and struck out former par. (2) which read as follows: “The Great Plains Conservation Program under section 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p(b)).”

Subsec. (b)(3). Pub. L. 104-127, §336(d)(2)(A)(ii), redesignated par. (5) as (3). Former par. (3) redesignated (1).

Subsec. (b)(4). Pub. L. 104-127, §336(c)(3), (d)(2)(A)(ii), redesignated par. (6) as (4) and substituted “measures” for “program”. Former par. (4) redesignated (2).

Subsec. (b)(5). Pub. L. 104-127, §336(d)(2)(A)(ii), redesignated par. (7) as (5). Former par. (5) redesignated (3).

Subsec. (b)(6). Pub. L. 104-127, §336(a)(2)(D), (d)(2)(A)(ii), redesignated par. (8) as (6) and struck out before period at end “and the agricultural conservation program under the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g et seq.)”. Former par. (6) redesignated (4).

Subsec. (b)(7), (8). Pub. L. 104-127, §336(d)(2)(A)(ii), redesignated pars. (7) and (8) as (5) and (6), respectively.

Subsec. (c). Pub. L. 104-127, §336(d)(2)(B), in introductory provisions, substituted “(1), (2), and (4)” for “(2), (3), (4), and (6)”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6932, 6991 of this title.

§ 6963. Reorganization of Forest Service

(a) Required elements of reorganization proposals

Reorganization proposals that are developed by the Secretary to carry out the designation by the President of the Forest Service as a Re-invention Lab pursuant to the National Performance Review, dated September 1993, shall include proposals for—

(1) reorganizing the Service in a manner that is consistent with the principles of interdisciplinary planning;

(2) redefining and consolidating the mission and roles of, and research conducted by, employees of the Service in connection with the National Forest System and State and private forestry to facilitate interdisciplinary planning and to eliminate functionalism;

(3) reforming the budget structure of the Service to support interdisciplinary planning, including reducing the number of budget line items;

(4) defining new measures of accountability so that Congress may meet the constitutional obligation of Congress to oversee the Service;

(5) achieving structural and organizational consolidations;

(6) to the extent practicable, sharing office space, equipment, vehicles, and electronic systems with other administrative units of the Department and other Federal field offices, including proposals for using an on-line system by all administrative units of the Department to maximize administrative efficiency; and

(7) reorganizing the Service in a manner that will result in a larger percentage of employees of the Service being retained at organizational levels below regional offices, research stations, and the area office of the Service.

(b) Report

Not later than March 31, 1995, the Secretary shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that describes actions taken to carry out subsection (a) of this section, identifies any disparities in regional funding patterns, and contains the rationale behind the disparities.

(Pub. L. 103-354, title II, §247, Oct. 13, 1994, 108 Stat. 3225.)

SUBCHAPTER VI—RESEARCH, EDUCATION,
AND ECONOMICS

§ 6971. Under Secretary of Agriculture for Research, Education, and Economics

(a) Authorization

The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Research, Education, and Economics.

(b) Confirmation required

If the Secretary establishes the position of Under Secretary of Agriculture for Research, Education, and Economics authorized under subsection (a) of this section, the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Functions of Under Secretary

(1) Principal functions

Upon establishment, the Secretary shall delegate to the Under Secretary of Agriculture for Research, Education, and Economics those functions and duties under the jurisdiction of the Department that are related to research, education, and economics.

(2) Additional functions

The Under Secretary of Agriculture for Research, Education, and Economics shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

(d) Cooperative State Research, Education, and Extension Service

(1) Establishment

There is established in the Department a Cooperative State Research, Education, and Extension Service.

(2) Functions

The Secretary shall delegate to the Cooperative State Research, Education, and Extension Service functions related to cooperative State research programs and cooperative extension and education programs that are under the jurisdiction of the Department.

(3) Officer-in-charge

If the Secretary establishes the position of Under Secretary of Agriculture for Research, Education, and Economics, the officer in charge of the Cooperative State Research, Education, and Extension Service shall report directly to the Under Secretary.

(Pub. L. 103-354, title II, §251, Oct. 13, 1994, 108 Stat. 3226.)

CODIFICATION

Section is comprised of section 251 of Pub. L. 103-354. Subsec. (e) of section 251 of Pub. L. 103-354 amended section 5314 of Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6912 of this title.

§ 6972. Program staff

In making the personnel reductions required under section 6913 of this title, the Secretary

shall reduce the number of Federal research and education personnel of the Department by a percentage equal to at least the percentage of overall Department personnel reductions. The Secretary shall achieve such reduction in research and education personnel in a manner that minimizes duplication and maximizes coordination between Federal and State research and extension activities.

(Pub. L. 103-354, title II, §252, Oct. 13, 1994, 108 Stat. 3227.)

SUBCHAPTER VII—FOOD SAFETY

§ 6981. Under Secretary of Agriculture for Food Safety

(a) Establishment

There is established in the Department of Agriculture the position of Under Secretary of Agriculture for Food Safety. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals with specialized training or significant experience in food safety or public health programs.

(b) Functions of Under Secretary

(1) Principal functions

The Secretary shall delegate to the Under Secretary of Agriculture for Food Safety those functions and duties under the jurisdiction of the Department that are primarily related to food safety.

(2) Additional functions

The Under Secretary of Agriculture for Food Safety shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

(c) Omitted

(d) Technical and scientific review groups

The Secretary, acting through the Under Secretary for Research, Education, and Economics, may, without regard to the provisions of title 5 governing appointment in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification and General Schedule pay rates—

(1) establish such technical and scientific review groups as are needed to carry out the functions of the Department; and

(2) appoint and pay the members of the groups, except that officers and employees of the United States shall not receive additional compensation for service as a member of a group.

(Pub. L. 103-354, title II, §261, Oct. 13, 1994, 108 Stat. 3227.)

REFERENCES IN TEXT

The provisions of title 5 governing appointment in the competitive service, referred to in subsec. (d), are classified generally to section 3301 et seq. of Title 5, Government Organization and Employees.

CODIFICATION

Section is comprised of section 261 of Pub. L. 103-354. Subsec. (c) of section 261 of Pub. L. 103-354 amended